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IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

JAMES PHAM,

Plaintiff,

v.

UNITED STATES OF AMERICA, acting
through the SOCIAL SECURITY
ADMINISTRATION and JO ANNE B.
BARNHART, individually and as Commissioner
of the Social Security Administration,

Defendants.

CIV 2:05-cv-00246 FCD-GGH

STIPULATION TO STAY
DISCOVERY PENDING
RESOLUTION OF DEFENDANTS'
MOTION TO DISMISS; and ORDER
THEREON

Pursuant to L.R. 83-141 (E.D.Cal.), the parties hereby agree to stay discovery pending the court's resolution of defendants' motion to dismiss for lack of subject matter jurisdiction and any related motion that may be filed. In furtherance of this stipulation, the parties hereby agree to the following briefing schedule:

Defendants' opening brief shall be filed on or before February 10, 2006

Plaintiff's opposition brief shall be filed on or before March 3, 2006

Defendants' reply brief shall be filed on or before March 13, 2006

The hearing on said motion shall be March 24, 2006, at 10:00 a.m.

If the motion is denied in whole or in part, discovery shall be reopened for a period of three months and all remaining dates, at the Court's preference, shall be re-set by the Court or by stipulation of the parties after obtaining available dates from the courtroom deputy.

Respectfully submitted,

DATED: January 13, 2006

LAW OFFICES OF FERNANDO F. CHAVEZ

/s/ Anthony J. Palik

Anthony J. Palik, Esq.
Attorney for Plaintiff

DATED: 20 January 2006

McGREGOR W. SCOTT
United States Attorney

/s/ Debora G. Luther

By: DEBORA G. LUTHER
Assistant U.S. Attorney
Attorneys for Defendants

ORDER

FOR GOOD CAUSE SHOWN, discovery shall be stayed in this matter pending the resolution of defendants' motion to dismiss for lack of subject matter jurisdiction and any related motion brought by the parties.

IT IS SO ORDERED.

DATED: February 2, 2006

/s/ Frank C. Damrell Jr.
FRANK C. DAMRELL, Jr.
United States District Judge